

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	May 21, 2007
Docket Number:	0705-VS-012
Appellant:	Michael Tinder
Property Address:	21500 Anthony Road
Variance Request:	<i>WC 16.04.030, B6a</i> Minimum Front Yard Setback in AG-SF1

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 05/21/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 05/21/2007 |
| 3. Property Card | 05/09/2007 |
| 4. Staff Report and APC Minutes (83-P-7) | 05/23/1983 |
| 5. AG-SF1 Standards in effect in May 1983 | 05/23/1983 |
| 6. Appellant's Application and Plans | 04/05/2007 |

RELATED CASES

- | | |
|-------------|--|
| 0705-VS-010 | Minimum Lot Size – variance request |
| 0705-VS-011 | Minimum Road Frontage – variance request |

VARIANCE REQUEST

This specific variance request is to vary the minimum front yard setback in the AG-SF1 District from 80 feet to approximately 44.5 feet (*WC 16.04.030, B6a*).

The Appellant is requesting three variances of standard (0705-VS-010, 0705-VS-011 & 0705-VS-012) to allow a building expansion at 21500 Anthony Road (see Exhibit 2). The proposed plans would add a room addition and expand an existing garage. The proposed plans would also attach the expanded garage to the primary structure. According to the submitted application, the proposed garage expansion would be used to house collectible automobiles.

PROPERTY INFORMATION

The subject property is currently comprised of two (2) separate parcels, totaling approximately 1.32 acres in size (see Exhibit 3). The subject property is located on the east side of Anthony Road and is the fourth and fifth parcels south of 216th Street. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence (see Exhibit 2).

The subject property is bounded on all sides by single-family residential uses. Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On May 23, 1983, the Westfield-Washington Township Advisory Plan Commission approved a two-lot subdivision at 21515 Anthony Road, known as Walnut Knoll (see Exhibit 4). The subject property is a part of Walnut Knoll. The subdivision was classified AG-SF1 and met all development standards in place at the time for an AG-SF1 subdivision (see Exhibit 5). On January 10, 2005, the Westfield Town Council approved the creation of a new zoning classification, SF-1 (Ord. 05-02). Concurrent with the creation of the new single-family residential district, the development requirements for subdivisions in AG-SF1 were removed from the AG-SF1 District. As a result, Walnut Knoll became a legal-nonconforming subdivision in the AG-SF1 District. As soon as modifications are proposed that increase any nonconformity, the property must be brought into compliance with the current standards. Approval of variances of development standards are a common method of bringing nonconformity into compliance.

FINDINGS

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: The submitted proposal for a variance of standard would not be injurious to public health, safety, or general welfare of the community. It stands to reason that since the existing site configuration of a 50-foot front yard setback has not been harmful to the community to this point, allowing further use of the property in the same manner would not be harmful to the community from this point forward.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: The submitted proposal for a variance of standard would likely not have a substantially adverse effect on the use and value of the adjacent surrounding area. The proposed site configuration would not be altered from the existing configuration of a 50-foot front yard setback. Allowing the continued use of the subject property in its current configuration would legitimize and legally establish the existing conditions.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

Findings: The subject property was legally subdivided in 1983. At the time, the subject property met all appropriate development standards. When the development standards

for the subject property were changed in 2005, the property was rendered legally nonconforming. The Town's action to eliminate the subdivision standards in AG-SF1 created this nonconformity, not the Appellant nor the subject property's previous owners.

The current detached garage meets the 50-foot front yard setback that was established when the property was subdivided in 1983. Since that time, a lean-to structure was illegally added to the perimeter of the garage. The existing lean-to is located 44.5 feet from the front property line, which encroaches upon the previously-established 50-foot setback line. The proposed building expansion would also be located 44.5 feet from the front property line. While the proposed building expansion would not create any further impact or encroachment on the front yard than that which currently exists, it would allow the continuation of noncompliance with the 50-foot front yard setback that was established when the property was subdivided in 1983.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

ADDITIONAL COMMENTS

Since the filing of this petition, neighboring residents have expressed concern regarding the possible expansion of a current auto repair home-based business. Should the Board ascertain this to be the case, then approval of the requested variances could increase an illegal nonconforming use. The Board is advised that an auto repair home-based business is not a permitted use in the AG-SF1 District.

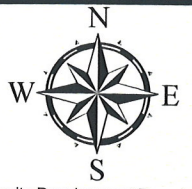
RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following conditions would be appropriate:

1. That, prior to receiving a building permit, the two (2) parcels of land associated with this request be legally combined and established as one (1) single parcel of land.
2. That all structures on the site in question meet a minimum front yard setback of 50 feet, not the 44.5 feet requested in the submitted application.



0705-VS-010 through 0705-VS-012
08-06-17-00-01-007-002 and 08-06-17-00-01-007-101
21500 Anthony Rd.
Exhibit 2



Community Development Department

Aerial Location Map

 Site



Zoning Map



 Agriculture Single Family 1

Existing Land Use Map



 Agriculture
 Residential Non-urban
 Vacant

EXHIBIT 3

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Summary Information - Parcel Number: 08-06-17-00-01-007.101**Property Data**

Parcel Location	ANTHONY RD,NOBLESVILLE
Taxing Unit	Washington
Legal Description	WALNUT KNOLL 5/21/90 FR HAHN
Section/Township/Range	S17 T19 R04
Subdivision Name	WALNUT KNOLL
Lot and Block	Lot PT1 Block
Acres	0.37
Effective Frontage	
Effective Depth	
Property Class	Unplatted 0 - 9.99 Acre

Exterior Features and Out Buildings**Property Owner as of April 29, 2006**

Tinder, Michael Jay & Amy Sue Koehler

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	2200
Assessed Value: Improvements	0
Total Assessed Value:	2200

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 200** Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-17-00-01-007.002**Property Data**

Parcel Location	ANTHONY RD,NOBLESVILLE
Taxing Unit	Washington
Legal Description	WALNUT KNOLL 41,497 SQ FT
Section/Township/Range	S17 T19 R04
Subdivision Name	WALNUT KNOLL
Lot and Block	Lot 2 Block
Acres	0
Effective Frontage	
Effective Depth	
Property Class	Res-1-Family 0 - 9.99 Acre

Exterior Features and Out Buildings

1 Detached Garage, 1 Lean-To, 1 Miscellaneous, 1 Utility Shed,
1 Enclosed Frame Porch,

Property Owner as of April 29, 2006

Tinder, Michael Jay & Amy Sue Koehler

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	39500
Assessed Value: Improvements	96500
Total Assessed Value:	136000

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.5
Attic	none
Basement	none
Crawl	full
Year Built	1985

Floor Construction

1.0 (first)	Sub and joists
1.5 (half upper)	Sub and joists

Floor Finish

1.0 (first)	Carpet, Vinyl tile
1.5 (half upper)	Carpet, Carpet

Exterior Cover

1.0 (first)	Wood siding
1.5 (half upper)	Wood siding

Interior Finish

1.0 (first)	Drywall
1.5 (half upper)	Drywall

Accommodations

Finished Rooms	7
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
1.0 (first)	986	986
1.5 (half upper)	810	810

Garage

	Garage Type	
	Garage Square Footage	0

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83-P-7

Zoned AG-SF 1

Preliminary Plat Approval of Walnut Knoll located at
21515 Anthony Road is requested by Mr. Frank Hahn.

Comments:

1. Single family residential development is permitted in the AG-SF1 classification.
2. Originally, a five-acre parcel, a permit was issued in 1980 (#80-IP-6) for the existing residence with adequate frontage (under the 5 year provision of the Ordinance, p. 18) and met the developmental standards required. However, placement of two residences on a single lot is not a permitted use in a single family area, and the options in permitting such a use are these:
 - (1) Apply to the BZA for a variance of use to permit two residences on a parcel of ground zoned for single family use or
 - (2) Divide the property into two, separately described lots in a subdivision approved by the Plan Commission.The petitioner has chosen the latter approach.
3. Both lots meet or exceed the developmental standards for subdivision lots in the AG-SF1 district with regard to frontage and lot size. A common driveway easement is provided which will utilize the drive leading to the existing residence. No additional curb cuts off Anthony Road would be required. There are no new streets proposed for this subdivision.
4. Proposed easements have been shown and surface drainage indicated, but it has not yet been possible to schedule a technical review of this proposal with county drainage, health, and soil conservation officials although they have been informed of this proposal.
5. No proposed covenants have been filed in connection with this subdivision plat.

Recommendations:

This may seem to be an unusual method of allowing for the construction of an additional residence (usually this is handled by the BZA), but there are some advantages in handling the proposal in this manner:

1. The plat, if approved, is recorded with the county and becomes a part of the legal record of the property. The size and dimensions of the two lots are fixed as well as the easements, building line, and common driveway easement.
2. The property remains zoned AG-SF1 and remains in conformance with the Zoning Ordinance and Master Plan. This is always preferable to a BZA action, which indicates an exception to the zoning requirements, if granted.

April 25, 1983

The Westfield-Washington Plan Commission held its regular meeting on Monday, April 25, 1983, in the City Building. Ten members were present - Camilla Axelrod, Jim Carey, William Castner, Norman Colby, Thad Harvey, Jim Meredith, Delsie Montgomery, Norman Wagoner, Jim Williamson, and David Lloyd. Attorney Mike Antrim was present. Chairman Lloyd called the meeting to order at 7:30 P.M. The minutes of the March meeting were approved.

Mr. Frank Hahn presented a preliminary plat of Walnut Knoll, 21515 Anthony Road, for approval. He wishes to make a small, two-lot subdivision and has prepared covenants. Adjacent property owner Jim Price had no objection to the subdivision but was worried about placement of a finger system too close to his. Mr. Scruggs protested that his land would receive too much water run-off. Charles Bennett and Sue Riggins wished to retain the country character of the neighborhood and not add additional homes. Mr. Castner made a motion to table a decision on the preliminary plat until the next meeting, and Mrs. Axelrod seconded the motion. Vote: Yes - 10 No - 0. Decision tabled. (83-P-7)

Building Commissioner Jack White presented a drawing of a proposed ground sign for the Westfield City Building. The old sign is deteriorating and needs to be replaced. Mrs. Montgomery made a motion to approve the sign; Mr. Castner seconded, and the motion passed by a voice vote. (83-AP-8)

Mr. James R. Steckley has purchased the Lucky Steer Restaurant building and proposes to relocate it to 14950 Greyhound Court. The interior will be converted into an office building, the exterior remaining the same. The Administrative Building Council has approved the plans. Mr. Meredith made a motion to approve the relocation of the Lucky Steer Restaurant building and its conversion into an office building. Mr. Williamson seconded the motion, and it passed by a voice vote. (83-AP-9)

Dr. Paul Steffen requested site approval for a new Westfield Animal Clinic to be located at 19601 U.S. #31 North. He will have the final construction plans for review at next month's meeting. Mrs. Axelrod made a motion to approve the site plans for the veterinary clinic; Mr. Colby seconded the motion, and it passed by a voice vote. (83-AP-11)

Mr. White gave a brief enforcement update. Then the meeting adjourned at 9:05 P.M.

Virginia C. Norris
Secretary

W.B. Lloyd
Chairman

May 23, 1983

The Westfield-Washington Plan Commission held its regular meeting, Monday May 23, 1983 in the City Building. Eleven members were present-Camilla Axelrod, Jim Carey, William Castner, Joe Edwards, Thad Harvey, Bill McColgin, Jim Meredith, Jim Williamson, Ron Wright, David Lloyd and new member Donita Hiatt. Minutes of the April meeting were approved.

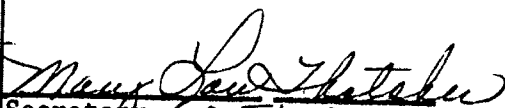
Mr. Eric Moffett made a presentation for a small commercial center. His business will occupy one the spaces and there will be room for 4 other tenants. There will be parking in front and also some parking in the rear of the building. There was some discussion on widening the alley on the east side of the lot. Details for parking, placement of the building and surface drainage will have to be addressed on the final plans. A motion was made by Mr. Wright that the preliminary plans submitted be approved with the final plans to be submitted and approved by the Building Commissioner. Mr. Meredith seconded and the motion passed by a voice vote.

Mr. Mike Flanders representing Dotlich Brothers presented an up-dated development plan for their 8 acres. Tom Roush Lincoln-Mercury wants to erect an accessory building east of their main building. The building will be used for new car preparation and used car reconditioning. Tom Schellenberger discussed drainage problems that exist. He suggested that they get with Steve Paul owner of the apartments to work out the drainage problem. They are willing to do whatever needs to be done. A motion was made by Mr. Edwards to approve the plans for the building and that final drainage plans be submitted and approved by the Building Commissioner subject to technical review. Mr. Wright seconded and the motion passed by voice vote. 83 AP-10

The public hearing for preliminary plat approval for Walnut Knoll, 21515 Anthony Road, as presented by Frank Hahn was continued at 8:25 P.M. after having been tabled at the last meeting. Utilities match what is there now. The septic system will be in the Northeast corner of the lot. Surface drainage will go through the swale on lot #2. Additional drainage will not affect the lot to the south. The existing private drain tile on the lot will have to be located as the septic system cannot be within 25 feet of the tile. Mr. Price does not object if the septic system is put on the north side of the property. Public hearing ended at 8:55 P.M. A motion was made by Mr. Wright that the preliminary plans submitted by the Petitioner be approved with the septic field for lot #2 to be placed in the northeast corner of the lot. Seconded by Mr. Williamson and passed by voice vote. Following approval of the preliminary plan, final plat approval was requested. A discussion was held on three conditions; getting plans in proper final form and to required scale, locating existing private field tile and plat certificates as required by the Ordinance. A motion was made by Mr. Williamson to give final plat approval subject to technical provisions we discussed being provided. Seconded by Mr. Wright and passed by voice vote.

Building Commissioner White discussed enforcement proceedings. Rainbow Pillow sign has been removed, Park 31 sign removed, Wheel Estates sign is down but is being watched. Seven new violations were reviewed.

The meeting adjourned at 9:35 P.M.


Secretary (acting)


Chairman

RESIDENTIAL DISTRICTS - CONTINUED

DETERMINES THE LOCATION OF THE BUILDING LINE FOR THE BLOCK FRONTAGE IN LIEU OF THE SETBACK LINES CONTAINED IN THIS AND OTHER ORDINANCES.

- (2) BUILDING LINES ESTABLISHED IN A RECORDED SUBDIVISION SHALL ESTABLISH THE SETBACK OF BUILDINGS IN SUCH SUBDIVISIONS, EXCEPT WHEN SUCH BUILDING LINES MAY BE LESS RESTRICTIVE THAN PROVIDED IN THIS ORDINANCE.

- (3) ON THROUGH LOTS A BUILDING LINE IS REQUIRED ON EACH STREET

E. BUILDING HEIGHT:

IN THE SINGLE FAMILY DISTRICTS LIMITING BUILDING HEIGHT TO 25 FEET, A DWELLING MAY BE INCREASED IN HEIGHT NOT TO EXCEED 35 FEET, PROVIDED THAT EACH SIDE YARD IS INCREASED AN ADDITIONAL FOOT FOR EACH FOOT SUCH BUILDING EXCEEDS 25 FEET IN HEIGHT.

- B. AG-SF 1 - THIS DISTRICT IS GENERALLY LOCATED IN AN AREA WHICH IS PRIMARILY FOR AGRICULTURAL LAND USE AND SUBURBAN SINGLE FAMILY RESIDENTIAL USE WHERE PUBLIC SANITARY SEWER FACILITIES ARE NOT AVAILABLE.

1. PERMITTED USES -

- FARMS AND FARM BUILDINGS FOR DAIRY ANIMALS, POULTRY, LIVESTOCK AND CROPS
- SINGLE FAMILY DWELLINGS
- CHURCHES
- SCHOOLS - PUBLIC OR PRIVATE - WITHOUT DORMITORY ACCOMMODATIONS
- PUBLIC PARKS
- NURSERIES, GREENHOUSES, TRUCK GARDENS OR RELATED PRODUCTS AS LONG AS THOSE PRODUCTS ARE NOT SOLD AT RETAIL

RESIDENTIAL DISTRICTS - CONTINUED

- ACCESSORY BUILDINGS AS RELATED TO AGRICULTURE OR SINGLE FAMILY RESIDENTIAL USE
- GOLF COURSES
- FIRE STATIONS
- TEMPORARY BUILDINGS FOR CONSTRUCTION PURPOSES FOR A PERIOD NOT TO EXCEED SUCH CONSTRUCTION
- SIGNS AS PERMITTED BY SIGN ORDINANCE
- STABLES (ON LOTS OF 3 ACRES OR MORE WITH A MINIMUM OF 200 FOOT SETBACK FROM ANY ADJOINING PROPERTY LINE)
- CEMETERIES
- PUBLIC AND PRIVATE CAMPS
- HOSPITALS

2. SPECIAL EXCEPTIONS -

- GOLF COURSES- COUNTRY CLUBS
- RIDING STABLES
- POWER PLANTS
- AIRPORTS AND LANDING FIELDS
- HELIPORTS
- RADIO, FACSIMILE, TV, MICRO-WAVE TOWERS
- CORRECTIONAL INSTITUTIONS
- SANITARY LANDFILLS
- ROCK CRUSHING, GRINDING OR MILLING
- FEED LOTS, CONFINED
- GARBAGE FEEDING AND DISPOSAL
- SAND, GRAVEL, AGGREGATE PROCESSING
- RAISING ANIMALS FOR BIOLOGICAL PURPOSES

RESIDENTIAL DISTRICTS - CONTINUED

- TENNIS AND SWIMMING CLUBS
- LAKE DEVELOPMENTS - RECREATIONAL
- RAISING ANIMALS FOR FURS OR PETS
- SLAUGHTER HOUSE
- LIVESTOCK AUCTION SALE BARNs
- AMUSEMENT PARKS
- STOCKYARDS-SHIPPING, HOLDING AND SALE OF ANIMALS
- BALLROOMS
- CONVENTS, MONASTERIES, THEOLOGICAL SCHOOLS RECTORIES AND PARISH HOUSES
- LARGE ANIMAL HOSPITALS
- AUTO AND MOTORCYCLE RACE TRACKS AND SPEEDWAYS
- OUTDOOR THEATERS
- PRIVATE CLUBS AND LODGES
- KENNELS
- PUBLIC OR PRIVATE SCHOOLS WITH DORMITORIES
- FRATERNITIES AND LODGES
- UTILITIES - ELECTRIC AND GAS SUBSTATIONS AND DISTRIBUTION STATIONS; TELEPHONE EXCHANGES, MICRO-WAVE RELAY TOWERS AND TRANSMISSION EQUIPMENT BUILDINGS; WATER FILTRATION PLANTS, TOWERS, PUMPING STATIONS, RESERVOIRS, SEWAGE TREATMENT PLANTS; POWER TRANSMISSION LINES

3. PERMITTED HOME OCCUPATIONS -

- A. ART STUDIO
- B. DRESSMAKING
- C. PROFESSIONAL OFFICE OF A CLERGYMAN, LAWYER, ARCHITECT OR ACCOUNTANT

RESIDENTIAL DISTRICTS - CONTINUED

- D. TYPING OR OTHER OFFICE SERVICES
- E. TEACHING - INCLUDING MUSICAL INSTRUMENTS OR DANCING
- F. A BUSINESS CONDUCTED ENTIRELY BY MAIL
- G. BEAUTY SHOP - ONE CHAIR OPERATED BY A RESIDENT
- H. HOME GARAGE SALES NOT TO EXCEED 7 DAYS PER YEAR
- I. REPAIRING, SERVICING OR REFURBISHING EQUIPMENT OR PARTS AS LONG AS THE WORK IS ENTIRELY WITHIN THE HOME AND PERFORMED BY MEMBERS OF THE FAMILY LIVING IN THE DWELLING

PERMITTED HOME OCCUPATIONS SHALL NOT INCLUDE THE EMPLOYMENT OF AN ADDITIONAL PERSON IN ADDITION TO THE OCCUPANT OF THE DWELLING UNIT IN PERFORMANCE OF SUCH SERVICES, AND SHALL NOT INCLUDE EXTERIOR DISPLAY OR EXTERIOR SIGNS, EXCEPT AS SUCH ARE PERMITTED BY THE SIGN ORDINANCE. THERE SHALL BE NO EXTERIOR STORAGE OF EQUIPMENT OR MATERIALS USED IN SUCH HOME OCCUPATIONS.

4. MINIMUM LOT AREA -

- A. NOT LESS THAN THREE ACRES FOR INDIVIDUAL LOTS
- B. NOT LESS THAN 30,000 SQUARE FEET IN A SUBDIVISION APPROVED BY THE PLAN COMMISSION

5. MINIMUM LOT FRONTAGE ON ROAD -

- A. THREE ACRE LOTS - A MINIMUM OF 250 FOOT FRONTAGE
- B. LOTS IN SUBDIVISIONS - 60 FEET ON CUL-DE-SAC
- 100 FEET ON OTHER LOTS

6. MINIMUM SETBACK LINES -

A. FRONT YARD -

- (1) THREE ACRE LOTS - NOT LESS THAN 100 FEET ON MAJOR AND MINOR COLLECTOR ROADS
- NOT LESS THAN 80 FEET ON OTHER ROADS
- (2) SUBDIVISIONS - NOT LESS THAN 50 FEET

RESIDENTIAL DISTRICTS - CONTINUED

B. SIDE YARD -

- (1) THREE ACRE LOTS - 30 FEET
- (2) 30,000 SQUARE FOOT LOTS - 12 FEET; A SIDE YARD ON A CORNER LOT - 30 FEET

C. REAR YARD -

- (1) THREE ACRE LOTS - 30 FEET
- (2) 30,000 SQUARE FOOT LOTS - 30 FEET

D. MINIMUM LOT WIDTH AT BUILDING LINE -

- (1) THREE ACRE LOTS - N/A
- (2) 30,000 SQUARE FOOT LOTS - 85 FEET

7. MAXIMUM BUILDING HEIGHT -

NOT TO EXCEED TWO AND ONE-HALF STORIES OR 35 FEET
WHICHEVER IS LOWER

8. MINIMUM GROUND LEVEL SQUARE FOOTAGE - EXCLUSIVE OF
PORCHES, TERRACES AND GARAGES -

A. SINGLE FAMILY -

- SINGLE STORY - 1350 SQUARE FEET
- TWO-STORY - 800 SQUARE FEET
- TRI-LEVEL - 800 SQUARE FEET (BASEMENT & 1ST LEVEL)
- STORY AND ONE-HALF - 800 SQUARE FEET

9. PARKING -

OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH
THE PROVISIONS SET FORTH IN THIS ORDINANCE

C. SF 2 - THIS DISTRICT IS ESTABLISHED FOR LOW DENSITY, SINGLE
FAMILY RESIDENTIAL HOMES WITH AVAILABLE SANITARY
SEWERS.

1. PERMITTED USES -

- SINGLE FAMILY DWELLINGS
- CHURCHES



TOWN OF WESTFIELD, INDIANA

Petition Number:

0705-VS-012

Date of Filing:

4-5-07

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield - Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name MICHAEL JAY TINNER
 Address 21500 ANTHONY RD.
NOBLESVILLE, IND. 46062
 Telephone Number (317) 758-9532
 E-Mail Address Fdogplus@aol.com
2. Landowner's Name SAME
 Address _____
 Telephone Number _____
3. *Representative _____
 *Address _____
 *Telephone Number _____
 *Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
21500 ANTHONY RD. 1/10 +/- MILE SOUTH OF 216TH STREET
AND 9/10TH MILE EAST OF STATE ROAD 31.
5. Legal description of property (list below or attach)
SEE ATTACHED FORMS
6. Complete description of the nature of the development standard variance applied for:
SETBACK VARIANCE - CODE WC 16.04.030B6a

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

ALL LANDSCAPE AND FENCING THAT IS CURRENTLY ON THE
PROPERTY WILL REMAIN, HAS A SAFE AND ETHICAL REFLECTION
ON THE NEIGHBORHOOD. NOTHING WILL CHANGE FROM
CURRENT USE OF SIXTEEN YEARS.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

THIS ADDITION AND PROPERTY IMPROVEMENT WILL
BRING THE HOUSE IN LINE OF VALUE COMPARED TO
SURROUNDING HOMES. THIS IN TURN INCREASES THE
VALUE OF THE NEIGHBOR'S HOMES.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

DUE TO THE FACT MY SEPTIC TANK AND FINGER SYSTEM
LIMIT THE LOCATION OF A ROOM ADDITION AND
GARAGE LOCATION I APPLY FOR THIS VARIANCE. WITH
APPROVAL I WILL BE ABLE TO PARK MY CAR COLLECTION
INSIDE AND IMPROVE NEIGHBOR'S VIEW OF MY PROPERTY
AND THE VALUE OF MY VEHICLES.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Michael J. Ind
Applicant

SUBSCRIBED AND SWORN TO ME THIS 2th DAY OF April, 2007.

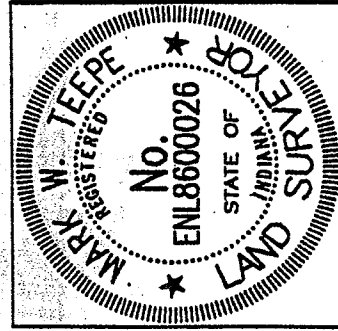
Patricia J. Leuten
Notary Public

My commission expires: 3/13/08

I, the undersigned Registered Land Surveyor, hereby certify that the above drawing is a true and correct representation of a survey done by me or under my direction on September 8, 1990, of Lot 2 and a part of Lot 1 in Walnut Knoll, the plat of which is recorded in Plat Book 10, Page 76 in the Office of the Recorder of Hamilton County, Indiana, the part of Lot 1 being more particularly described as follows : Beginning at the Southwest corner of said Lot 1, also being the Northwest corner of Lot 2; thence N 44° 59' 55" E 90.51 feet; thence N 89° 59' 55" E 221.00 feet; thence S 1° 04' 13" E (S 0° 00' 05" E measured) 64.00 feet to the Northeast corner of Lot 2; thence S 89° 59' 55" W 285.00 feet along a common line between said Lots 1 and 2 to the point of beginning and containing 16,192 square feet, more or less.

This property is not in the flood plain.

Given under my hand and seal this
12th day of September, 1990



Mark W. Teepe
Mark W. Teepe
Registered Land Surveyor
No. ENL8600026, State of Indiana

PLAN PREPARED BY
(317) 359-2171
STETON SURVEYS, INC.

**STAKE SURVEY FOR LOT 2 AND
PART OF LOT 1 OF WALNUT KNOLL**
DRAWN BY *CHW/B* DATE

QUIT-CLAIM DEED
9329923

This Indenture Witnesseth, That MICHAEL JAY TINDER AND AMY SUE KOEHLER
AS TENANTS IN COMMON

of HAMILTON County, in the State of INDIANA

Release and Quit-Claim to MICHAEL JAY TINDER AND AMY SUE KOEHLER
JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP
AND NOT AS TENANTS IN COMMON

of HAMILTON County, in the State of INDIANA, for and in consideration
Dbltlt.

of ONE DOLLAR & OTHER VALUABLE CONSIDERATIONS
and other valuable consideration, the receipt whereof is hereby acknowledged,
the following described Real Estate in HAMILTON County

in the State of INDIANA, to-wit:

Parcel (I) Lot 2 in Walnut Knoll, the plat of which is recorded in Plat Book 10,
page 76, in the Office of the Recorder of Hamilton County, Indiana.

ALSO
Parcel (II) A part of Lot 1 in Walnut Knoll, the plat of which is recorded in Plat
Book 10, page 76, in the Office of the Recorder of Hamilton County, Indiana, and
being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1, also being the Northwest corner
of Lot 2; thence North 44 degrees 59 minutes 55 seconds East 90.51 feet; thence
North 89 degrees 59 minutes 55 seconds East 221.00 feet; thence South 1 degree 04
minutes 13 seconds East 64.00 feet to the Northeast corner of Lot 21; thence South
89 degrees 59 minutes 55 seconds West 285.00 feet, along a common line between
said Lots 1 and 2, to the point of beginning.

Subject to all easements, rights-of-way, restrictive covenants and encumbrances
of record.

Subject to all taxes and assessments.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

20 day of June 19 93

Jm M Gls

Auditor
Hamilton County

00-11-007.602

NOTARY PUBLIC AND SUE KOEHLER
 STATE OF INDIANA
 OFFICE OF THE SURVIVORSHIP
 COUNTY OF HAMILTON

and in consideration
 Dollars
 OF ONE DOLLAR & OTHER VALUABLE CONSIDERATIONS

the said [illegible] is hereby acknowledged,
 County

recorded in Plat Book 10,
 [illegible]

Parcel (44) A part of Lot 1 in Walnut Knob, the [illegible] recorded in Plat Book 10, page 76, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1, also being the Northwest corner of Lot 2; thence North 44 degrees 59 minutes 55 seconds East 90.51 feet; thence North 89 degrees 59 minutes 55 seconds East 221.00 feet; thence South 1 degree 04 minutes 13 seconds East 64.00 feet to the Northeast corner of Lot 21; thence South 89 degrees 59 minutes 55 seconds East 235.00 feet, along a common line between [illegible]

and encumbrances

Subject to all taxes and assessments.

DULY ENTERED FOR TAXATION
 Subject to final acceptance for transfer
 20 day of June 19 93

Auditor
 Hamilton County

Parcel # 28-06-17-00-01-007.002
 007.101

RECEIVED
 FOR RECORD

JUN 22 9:31
 SHARON K. CHERRY
 RECORDER
 HAMILTON CO. IN

Witness Whereof. The said MICHAEL JAY TINDER AND AMY SUE KOEHLER
 AS TENANTS IN COMMON

day to come to [illegible] hand and seal this 18th day of June 19 93

(Seal)
 MICHAEL JAY TINDER
 (Seal)
 AMY SUE KOEHLER
 (Seal)

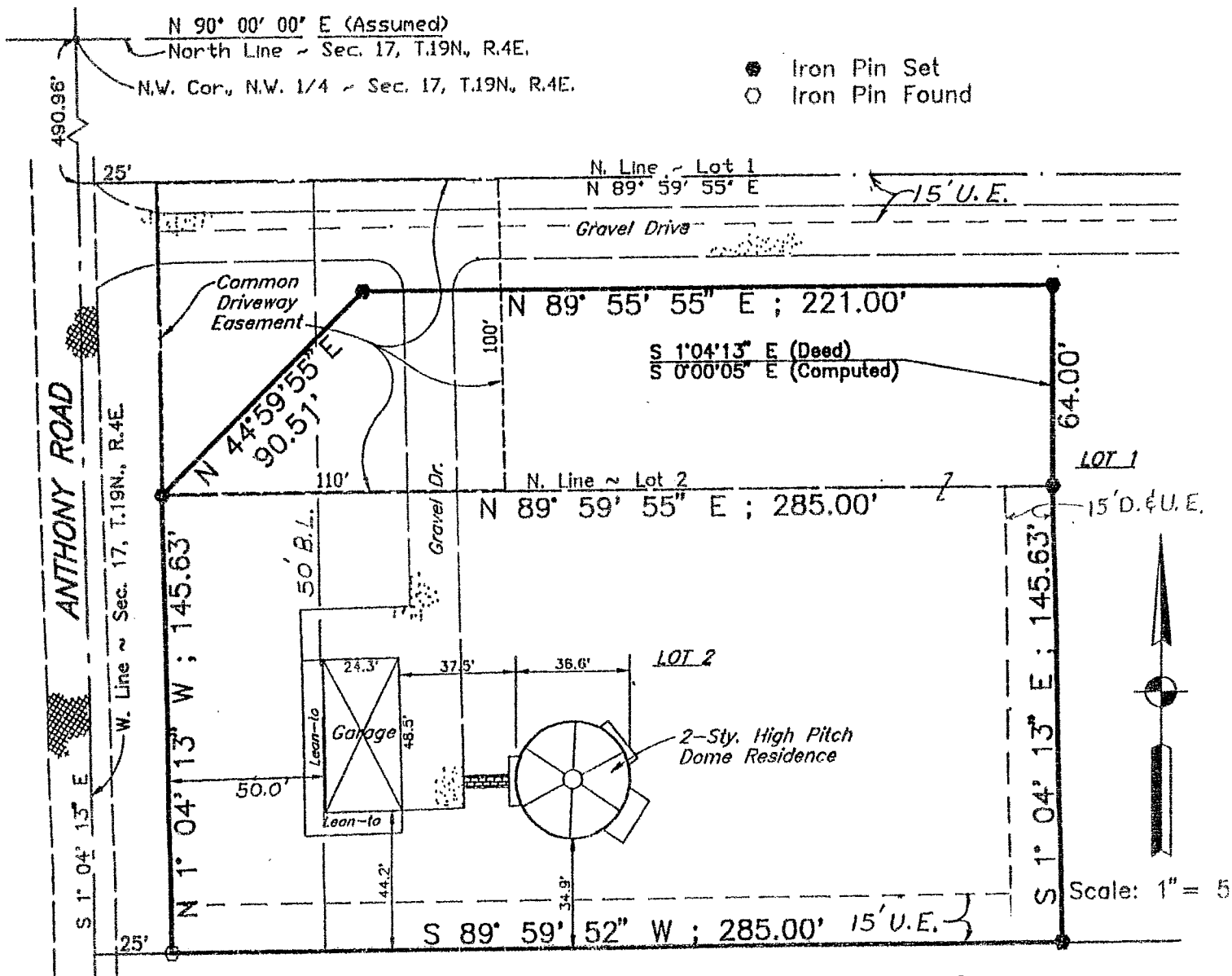
Notary Public in and for said County, this

1993, came

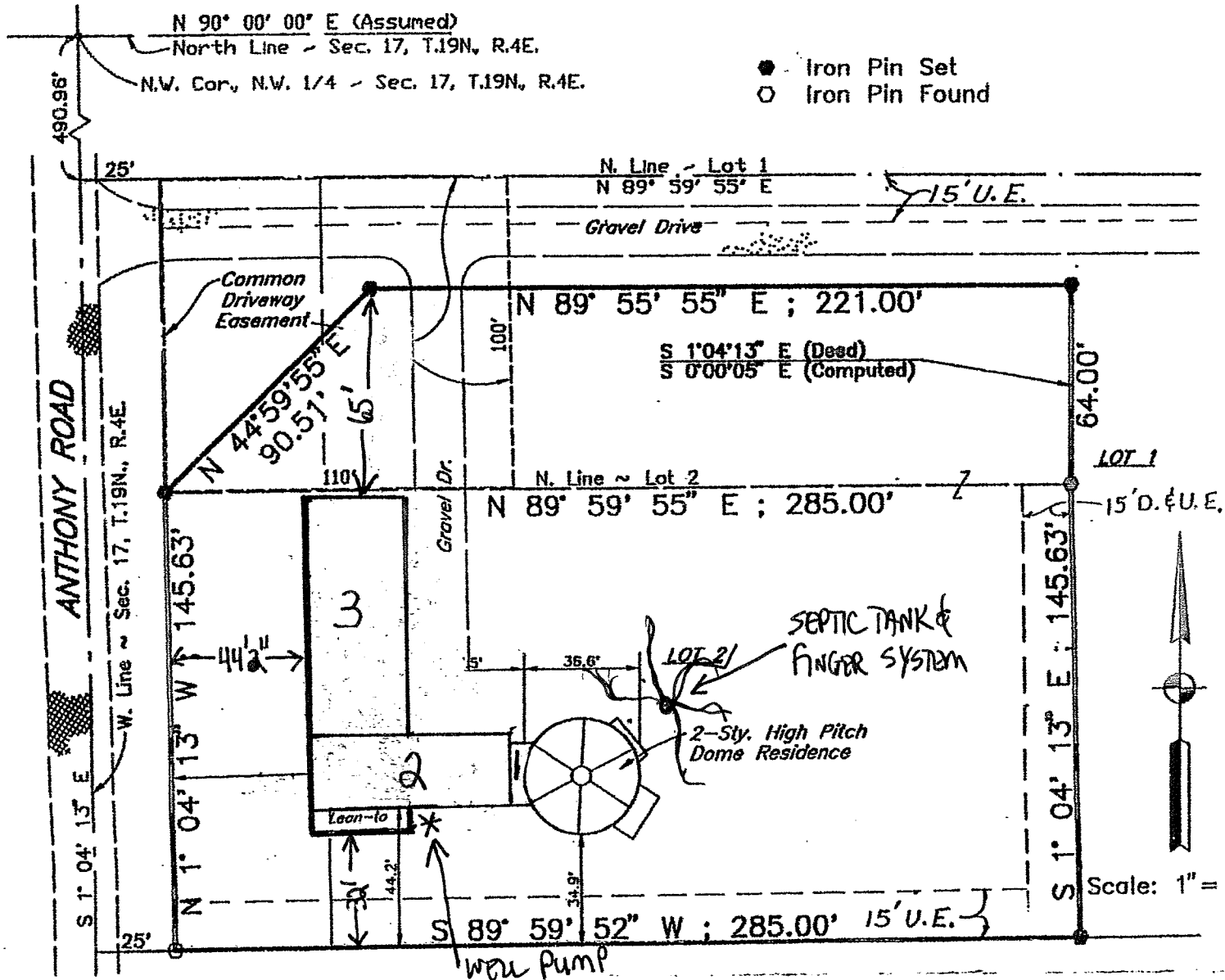
and in consideration of the foregoing instrument

Notary Public
 Jeanine Dotson, A Resident of Howard
 County, Indiana

Witnessed by Thomas J. Simmons



CURRENT PROPERTY DESCRIPTION



- NEW SECTIONS;
(SHOWN TO SCALE)
- 1) ENTRYWAY - 8' X 16' X 19'
 - 2) ROOM ADDITION - 58' X 24' X 19'
 - 3) GARAGE - 32' X 76' X 19'

ALL NEW CONSTRUCTION HAS A SECOND FLOOR ATTIC
WITH 7 1/4' - CEILINGS. TOTAL OF ADDITION IS 19' HIGH.

* = WELL PUMP

SK = SEPTIC TANK FINGER SYSTEM

